

**STATE WATER RESOURCES CONTROL BOARD
BOARD WORKSHOP– DIVISION OF WATER QUALITY
OCTOBER 3, 2019**

ITEM 1

SUBJECT

INFORMATIONAL WORKSHOP ON THE PROPOSED ESTABLISHMENT OF THE TOXICITY PROVISIONS AND THE WATER QUALITY CONTROL PLAN FOR INLAND SURFACE WATERS, ENCLOSED BAYS, AND ESTUARIES OF CALIFORNIA.

DISCUSSION

At a subsequent Board meeting, the State Water Resources Control Board (State Water Board) will consider the establishment of Toxicity Provisions and the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California. The Toxicity Provisions include numeric chronic and acute water quality objectives for aquatic toxicity, the test of significant toxicity (TST) statistical approach for data analysis, and a program of implementation to protect aquatic life beneficial uses.

The Toxicity Provisions, if adopted, would apply to all inland surface waters, enclosed bays, and estuaries and coastal lagoons statewide. The provisions would supersede regional basin plan toxicity provisions that specify methods of assessing compliance with water quality objectives for acute or chronic aquatic toxicity, that regard aquatic toxicity testing, that regard the interpretation of aquatic toxicity testing results, or that are in conflict with the Toxicity Provisions. The Toxicity Provisions would not supersede narrative toxicity water quality objectives; any basin plan provisions regarding the application of narrative water quality objectives to derive chemical-specific limits, targets, and other thresholds; nor any site-specific toxicity water quality objectives established in a basin plan.

For non-storm water NPDES dischargers, such as municipal and industrial wastewater treatment facilities, the program of implementation would include requirements to assess acute and chronic aquatic toxicity test data using the TST statistical approach, requirements for species sensitivity screening and reasonable potential analysis, acute and chronic effluent limitations, routine monitoring frequencies for chronic toxicity, and specifications for when a toxicity reduction evaluation is required.

For storm water dischargers, nonpoint source dischargers, and other non-NPDES dischargers, the program of implementation would include requirements to assess certain acute and chronic toxicity data using the TST approach.

The State Water Board released the Draft Toxicity Provisions and the Draft Staff Report, including Substitute Environmental Documentation, for public review on October 19, 2018. Staff held workshops on October 29, 2018, and October 31, 2018 in Sacramento. A Board hearing was held on November 28, 2018, to consider public comments on the Draft Toxicity Provisions and the Draft Staff Report. The written public comment period ran from October 19, 2018, to December 21, 2018. The State

Water Board received thirty-seven comment letters during the 2018 comment period. Staff met with various stakeholder groups including representatives from publicly-owned treatment work dischargers, industrial dischargers, the environmental community, storm water dischargers, and water purveyors to obtain greater clarity on the comments that were submitted and to discuss various options that were proposed in the comment letters. Subsequent to meeting with these stakeholder groups and considering the comment letters that were submitted, the Board released the First Revised Draft Toxicity Provisions on July 25, 2019, which incorporates many of the suggestions that were received.

Staff workshops to present and discuss the proposed changes were held on August 13, 2019 in Sacramento, on August 16, 2019 in Riverside, and on August 28, 2019 in Sacramento. The First Revised Draft Toxicity Provisions and information regarding the project is available on the [Statewide Toxicity Provisions web site](https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/t_x_ass_cntrl.html) at:

(https://www.waterboards.ca.gov/water_issues/programs/state_implementation_policy/t_x_ass_cntrl.html).

Several issues raised by commenters are not reflected as changes in the First Revised Draft Toxicity Provisions and were discussed at the Staff workshops held on August 13, 2019 in Sacramento, on August 16, 2019 in Riverside, and on August 28, 2019 in Sacramento. This includes options to remove or revise the reasonable potential analysis section of the implementation provisions, and options to defer the use of *Ceriodaphnia dubia* for chronic toxicity testing to assess compliance with effluent limitations until a date certain and to conduct a study to identify ways to reduce variability when conducting chronic *C. dubia* toxicity tests.

POLICY ISSUE

This item is an informational workshop. No final actions regarding the Toxicity Provisions are proposed at this workshop.

FISCAL IMPACT

There will be no fiscal impact at this time, as this item is an informational workshop.

REGIONAL BOARD IMPACT

There will be no Regional Water Board impact at this time, as this item is an informational workshop.

STAFF RECOMMENDATION

No staff recommendation will be made at this time.